IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P. No.15670 of 2007
Date of decision: 8.10.2007.

Constable Sarabjit Singh V. State of Punjab and others

CORAM: HON'BLE MR.JUSTICE J.S.KHEHAR
HON'BLE MR. JUSTICE SHAM SUNDER

Present: Mr. R.R.Dhawan, Advocate, for the petitioner.

J.S.Khehar, J.(Oral)

The petitioner is a Constable. The post of a Constable is borne on the District Police Cadre. In other words, each District Police Cadre is separate and distinct. The name of the petitioner is borne on the Tarn Taran Police District.

Onward promotion from the post of Constable is to the post of Head Constable. The petitioner competed for being deputed to the Lower School Course meant for promotion to the post of Head Constable. His name did not fall within the zone of merit keeping in mind the number of seats allocated in the Lower School Course to Police District Tarn Taran. Despite the aforesaid, the Senior Superintendent of Police, Tarn Taran by communication dated 8.5.2007 recommended that three more seats in the Lower School Course be allocated to Police District Tarn Taran. This recommendation was made to the Director General of Police, Punjab. Since the Director General of Police, Punjab has not

accepted the recommendation of the Senior Superintendent of Police, the petitioner has approached this court by filing the instant writ petition with a prayer that in furtherance of the recommendation made by the Senior Superintendent of Police, Tarn Taran, the petitioner should be deputed to the Lower School Course.

It is not possible for us to accept the instant contention of the learned counsel for the petitioner for the simple reason that all the seats allocated for the Lower School Course to the Police District Tarn Taran have since been filled up. The name of the petitioner in the process of selection did not fall within the zone of such consideration. According to the recommendation made by the Senior Superintendent of Police through his communication dated 8.5.2007, the petitioner is next in order on merit after those candidates who have been deputed to the Lower School Course. The recommendation also mentions that the record of petitioner during the tenure of his service was good, and his performance of duties has also been good. Despite the aforesaid, since the petitioner does not fall within the zone of merit/selection for being deputed to the Lower School Course from Police District Tarn Taran, we are satisfied, that the petitioner has no right to be deputed to the said Course.

The second contention of learned counsel for the petitioner is that respondents No.5 to 8 belong Districts other than Police District Tarn Taran. they were deputed to the Lower School Course from the District in which they were originally appointed have been transferred to Police District Tarn Taran after they had qualified the Lower School Course. It is the contention of the learned counsel for the petitioner, based on the factual position noticed hereinabove that if respondents No.5 to 8 are transferred back to

their original cadre, then four posts in the rank of Head Constable would become available in Police District Tarn Taran which can be earmarked to be occupied by the petitioner. The instant contention, though attractive on first blush, is devoid of merit. The petitioner has not impugned the order(s) by which respondents No.5 to 8 were transferred to Police District Tarn Taran. In the absence of any challenge to the transfer of respondents No.5 to 8 to Police District Tarn Taran, it is not open to the petitioner to raise any such grievance.

For the reasons recorded hereinabove, we find no merit in this petition and the same is hereby dismissed.

(J.S. Khehar)
Judge

October 8,2007
sks

(Sham Sunder)
Judge